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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,850	09/19/2001	Waltraud Ankenbauer	5304	4731

22829 7590 12/07/2004  
ROCHE MOLECULAR SYSTEMS INC  
PATENT LAW DEPARTMENT  
1145 ATLANTIC AVENUE  
ALAMEDA, CA 94501

EXAMINER	
KIM, YOUNG J	
ART UNIT	PAPER NUMBER
1637	

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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12022004

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

Art Unit: 1637

### DETAILED ACTION

The reply filed on September 21, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Effective July 30, 2003, 37 CFR 1.121(c)(1) through (c)(5) have been revised to require a total rewriting of a claim each time the claim is amended, including markings to show the changes being made relative to the immediate prior version of the claim except when the claim is being canceled. Section 1.121(c) also requires submitting a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, and the *status of each and every claim in every amendment document that includes an amendment to the claims. The status of each claim included in the claim listing must be described by one of the following seven defined identifiers in parentheses after the claim number:*

(Original): Claim filed with the application

(Currently amended): Claim being amended in the current amendment document.

(Canceled): Claim deleted from the application.

(Withdrawn): Claim still in the application, but in a non-elected status.

*(Previously presented): Claim added or amended in an earlier amendment document.*

(New): Claim being added in the current amendment document.

(Not entered): Claim presented in a previous amendment document but which has either not been entered or the status of entry is unknown to applicant when a subsequent amendment to the claims is filed.

Art Unit: 1637

The Amendment received on September 21, 2004 fails to identify claims 6 and 7 as “Previously Presented,” resulting in the present Notice of Non-responsive Amendment (See 37 CFR 1.111). Applicants are referred to the Federal Register Vol. 68, No. 125 available at [www.uspto.gov/main/newsandnotices](http://www.uspto.gov/main/newsandnotices). See 37 CFR 1.111.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

### ***Inquiries***

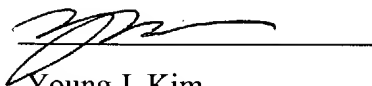
Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Young J. Kim whose telephone number is (571) 272-0785. The Examiner can normally be reached from 8:30 a.m. to 6:00 p.m. Monday through Thursday. If attempts to reach the Examiner by telephone are unsuccessful, the Primary Examiner in charge of the prosecution, Dr. Kenneth Horlick, can be reached at (571) 272-0784. If the attempts to reach the above Examiners are unsuccessful, the Examiner's supervisor, Gary Benzion, can be reached at (571) 272-0782. Papers related to this application may be submitted to Art Unit 1637 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 CFR 1.6(d)). NOTE: If applicant does submit a paper by FAX, the original copy should be retained by applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED, so as to avoid the processing of duplicate papers in the Office. All official documents must be sent to the Official Tech Center Fax number: (703) 872-9306. For Unofficial documents, faxes can be sent directly to the Examiner at (571) 273-0785. Any inquiry of a

Application/Control Number: 09/856,850

Page 4

Art Unit: 1637

general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1600.



Young J. Kim  
Patent Examiner  
Art Unit 1637

12/3/04

YOUNG J. KIM  
PATENT EXAMINER

yjk